

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 04-1231

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Billy Roy Tyler,

Appellant,

v.

Harrah's Council Bluffs Casino,

Appellee.

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Appeal from the United States  
District Court for the Southern  
District of Iowa.

[UNPUBLISHED]

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Submitted: July 30, 2004

Filed: July 30, 2004

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Before BYE, FAGG, and RILEY, Circuit Judges.

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PER CURIAM.

Billy Roy Tyler appeals the district court's preservice dismissal without prejudice of Tyler's complaint for failure to state a claim. Tyler, who is African-American, alleged he appeared at Harrah's Casino in July 2003 to apply for a job and was told he must apply online; a "glitch in [the] program . . . prevented [him] from applying"; he did not see any African-Americans working at the casino; and he was thus the victim of job discrimination.

We grant Tyler leave to appeal in forma pauperis. Having carefully reviewed the record, we conclude preservice dismissal was inappropriate because Tyler's

complaint, liberally construed, satisfied federal pleading requirements by providing Harrah's Casino notice of Tyler's claim of race-based discrimination in its employment-application process. See Fed. R. Civ. P. 8(a)(2); Swierkiewicz v. Sorema N.A., 534 U.S. 506, 514-15 (2002); Smith v. St. Bernards Reg'l Med. Ctr., 19 F.3d 1254, 1255 (8th Cir. 1994).

Accordingly, we reverse the dismissal and remand for further proceedings in accordance with this opinion.

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